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CURRENT DECISIONS

AGENCY—MASTER AND SERVANT—EMERGENCY—LIABILITY OF MASTER ESTABLISHED BY EMPLOYEE'S REQUEST FOR HELP.—The plaintiff, a boy of fourteen, brought an action for personal injuries received while assisting other persons to hold a very heavy box on the end of the defendant's truck. There was conflicting testimony as to whether the driver requested the plaintiff's assistance. *Held,* that if the jury found, on the question properly submitted to them, that the plaintiff in fact was acting in compliance with a request of the driver, then the existing emergency justified the latter in so employing him, but that in such circumstances the defendant was under a duty to instruct the plaintiff. *Lipari v. Bush Terminal Co.* (1920, N. Y.) 193 App. Div. 309.

The existence of an emergency in the defendant's affairs operated to establish the relation of master and servant between himself and the plaintiff irrespective of his consent. The master owes a duty to warn and instruct an infant servant, which is usually capable of being delegated. As no attempt was made to show such a delegation, it would seem that the defendant was correctly held liable for his own negligence. See (1920) 30 YALE LAW JOURNAL, 85.

AGENCY—WORKMEN'S COMPENSATION—ACCIDENT ARISING OUT OF AND IN THE COURSE OF THE EMPLOYMENT—INJURY RECEIVED ON STEPS OF CANTEEN PROVIDED BY EMPLOYER.—The plaintiff, a girl munitions worker, was employed by the week in a factory where it was required that all employees leave the grounds for an hour at noontime. While returning to work after the noon recess, the plaintiff slipped and fell on the steps of a canteen conducted by the defendants for the exclusive use of their employees. The canteen was situated within the factory enclosure, but it was necessary to go upon the public street in order to gain access to it. For the injury thus received the plaintiff sought to recover compensation from her employer. *Held,* that compensation must be allowed on the ground that the plaintiff was using the means of access provided by her employer from the canteen to her work. Lords Finlay and Dunedin, *dissenting. Armstrong, Whitworth, & Co. v. Redford* [1920] A. C. 757.

This case seems to extend the modern American doctrine. See L. R. A. 1918 F, 907.

CONSTITUTIONAL LAW—CONSTITUTIONALITY OF DECLARATORY JUDGMENT.—A statute of Michigan forbade street railway companies to require motormen and conductors to work more than six days per week, except in certain emergencies. The plaintiff, a non-union conductor, brought an action against the company for a declaration that he was privileged to work more than six days a week. A labor union intervened as defendant, and a declaration was given in favor of the plaintiff in the lower court. *Held,* that the statute was unconstitutional, because it imposed on the court non-judicial duties. Sharpe, J., *dissenting. Anway v. Grand Rapids Ry.* (1920, Mich.) 179 N. W. 350.

See COMMENTS, *supra,* p. 161.

CONSTITUTIONAL LAW—POLICE POWER—VALIDITY OF RESTRICTIVE BUILDING ORDINANCE.—The plaintiff brought a bill in equity to compel the specific performance of a contract to purchase land. The defense was set up that the property was encumbered by a so-called zoning resolution passed pursuant to Laws of New York 1916, ch. 497, which amended the charter of the city of New York and gave to the board of estimate the power to pass resolutions regulating and limiting the height and bulk of buildings to be erected, determining the areas of courts, yards, and other spaces, and regulating and restricting the location of trades and